

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TERESA CHEN,

Plaintiff,

v.

GRANT COUNTY; and D. ANGUS LEE,
individually; and TAMMIE L.
HECHLER,

Defendants.

NO. CV-09-0329-EFS

**ORDER DENYING DEFENDANTS' MOTION
FOR AN INJUNCTION PURSUANT TO 28
U.S.C. 2283**

A pretrial conference occurred in the above-captioned matter on July 27, 2011, in Richland, Washington. Steven C. Lacy appeared on Plaintiff Teresa Chen's behalf; Defendants Grant County, D. Angus Lee, and Tammie L. Hechler were represented by Michael McFarland. Before the Court was Defendants' Motion for an Injunction Pursuant to 28 U.S.C. § 2283, ECF No. [98](#). On March 3, 2011, the Court dismissed Plaintiff's Family Medical Leave Act (FMLA), 29 U.S.C. 2611 et seq., claims - the basis for this Court's federal-question jurisdiction - but retained supplemental jurisdiction over Plaintiff's remaining state-law claims so that Plaintiff's "day in court" would not be delayed. ECF No. 81. And on March 24, 2011, the Court allowed Plaintiff to amend her Complaint to add a claim under Washington's Family Leave Act (WFLA), RCW 49.78 et seq. ECF No. 93. Plaintiff did not amend her Complaint, but instead

1 filed suit in Chelan County Superior Court, asserting a WFLA claim
2 against Grant County on March 31, 2011. See ECF No. 100, Ex. 1.

3 Defendants ask the Court to enter a permanent injunction under 28
4 U.S.C. § 2283, staying the related Chelan County Superior Court
5 proceedings because a subsequent state-court judgment on Plaintiff's
6 WFLA claim could conflict with this Court's previous dismissal of
7 Plaintiff's FMLA claim. Plaintiff opposes an injunction.¹

8 At the hearing, the parties stipulated that Plaintiff would dismiss
9 the Chelan County Superior Court proceedings with prejudice, thereby
10 removing any potential conflict. Based on this stipulation, **IT IS**
11 **HEREBY ORDERED:** Defendants' Motion for an Injunction Pursuant to 28
12 U.S.C. § 2283, **ECF No. 98**, is **DENIED AS MOOT**.

13 **IT IS SO ORDERED.** The District Court Executive is directed to
14 enter this Order and provide copies of this Order to counsel.

15 **DATED** this 28th day of July 2011.

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17 s/Edward F. Shea
18 EDWARD F. SHEA
19 UNITED STATES DISTRICT JUDGE

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26 In the alternative, both parties ask the Court to dismiss
27 Plaintiff's state-law claims so they can be re-filed in Chelan County
28 Superior Court, where all her claims can proceed together.